

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff(s),	)	No. CR05-0611 WHA (BZ)
	)	
v.	)	<b>DETENTION ORDER</b>
	)	
WILLIAM F. JULIAN, <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

On June 6, 2007, I heard the government's motion to detain William F. Julian. Defendant was present and represented by Michael Berger. Assistant United States Attorney James Keller appeared for the United States.

Pretrial Services submitted a report that recommended detention. Proffers and arguments regarding detention were submitted by the parties at the hearing.

Having considered the parties' proffers and the Pretrial Services Report, I find that the government has met its burden of showing by a preponderance of the evidence that the defendant is a flight risk, and that no conditions of release

1 will reasonably assure his appearance. In so finding, I have  
2 considered the following factors:

3 1. The defendant is charged with mail fraud under 18  
4 U.S.C. § 1341, bank fraud under 18 U.S.C. § 1344, contempt of  
5 court under 18 U.S.C. § 401(3), and forfeiture under 18 U.S.C.  
6 § 981(a)(1)(C) and 28 U.S.C. § 2451(c). He faces a substantial  
7 sentence if convicted, providing some incentive to flee.

8 2. He has no real ties with this district. His home is  
9 in South Carolina, where he would live if released. This  
10 would require him to travel cross country for all his court  
11 appearances, putting him in situations where means of flight  
12 are readily available.

13 3. The government proffered that shortly before he was  
14 indicted in this district, he told his wife that he was  
15 expecting an indictment and, directly thereafter, traveled  
16 first to Orlando, Florida and then by plane to Panama City,  
17 Panama. He remained in Panama until he was extradited to the  
18 United States earlier this year.

19 4. That he knew about the indictment while in Panama is  
20 evident from the "Notice of Abatement" contesting the charges  
21 filed in this case bearing his signature.

22 5. The government proffered that the scheme with which  
23 he is charged involved the use of offshore accounts and that  
24 all the money has not been accounted for, raising the  
25 possibility that he may have means of financing flight.

26 6. The conditions proposed for his release were  
27 inadequate to reasonably assure the court that he would make  
28 his appearances. Essentially, it was proposed that he be

1 released on a bond with little or no security to live in South  
2 Carolina with his wife. I do not consider his wife an  
3 adequate custodian inasmuch as she was aware that he had  
4 traveled to Panama and traveled there herself to be with him.  
5 I am also troubled that his stepmother, who apparently owns a  
6 home, has declined to act as his surety.

7 Therefore, **IT IS HEREBY ORDERED** that:

8 1. The defendant be, and hereby is, committed to the  
9 custody of the Attorney General for confinement in a  
10 corrections facility separate, to the extent practicable, from  
11 persons awaiting or serving sentences or being held in custody  
12 pending appeal;

13 2. The defendant be afforded reasonable opportunity for  
14 private consultation with counsel; and

15 3. On order of a court of the United States or on  
16 request of an attorney for the government, the person in  
17 charge of the corrections facility in which the defendant is  
18 confined shall deliver the defendant to a United States  
19 Marshal for the purpose of any appearance in connection with a  
20 court proceeding.

21 Dated: June 8, 2007

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23 

24 Bernard Zimmerman  
United States Magistrate Judge

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